

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Allen Conley,	:	Case No.
	:	
Plaintiff,	:	Judge
	:	
vs.	:	<b><u>NOTICE OF REMOVAL</u></b>
	:	
Walmart, Inc.	:	
	:	
Defendant.	:	Taylor C. Knight (0089531)
	:	Brittany H. Asmus (0095142)
	:	REMINER CO., L.P.A.
	:	One SeaGate, Suite 1600
	:	Toledo, Ohio 43604
	:	Telephone: (419) 254-1311
	:	Fax: (419) 243-7830
	:	E-mail: tknight@reminger.com
	:	
	:	Counsel for Defendant
	:	Walmart, Inc.
	:	

Now comes Defendant, Walmart Inc., by and through counsel, Reminger Co., L.P.A., and respectfully submit this Notice of Removal pursuant to Title 28 U.S.C. § 1332, § 1441 and § 1446 as follows:

1. That there was commenced and is now pending in the Court of Common Pleas for Allen County, Ohio, Case Number CV 2019 0538, captioned *Allen Conley v. Walmart, Inc.* A copy of the Summons and Complaint filed on or about December 19, 2019 is attached hereto and made a part hereof as Exhibit A.

2. That this is an action at common law in a civil nature and that the amount in controversy, exclusive of interests and costs exceeds the sum of \$75,000.00.

3. That this is an action that involves a controversy between citizens of different States. Plaintiff Allen Conley is a citizen of the State of Ohio, residing at 335 Grandview Blvd., Ada, Ohio 45810. Defendant Walmart, Inc. is a Delaware corporation whose principal place of business is located in the State of Arkansas.

4. That this is an action to which the United States District Court has been given original jurisdiction pursuant to Title 28, U.S.C. § 1332, and that notice of this removal is timely filed in this case as it is within 30 days of the date of service. Upon information and belief, service of the Summons and Complaint on Defendant Walmart, Inc. occurred on or about December 26, 2019.

5. That written notice of the filing of this Notice of Removal will be given to all parties as required by law. A true and accurate copy of this Notice of Removal will be filed with the Clerk of Courts for the Court of Common Pleas for Allen County, Ohio.

WHEREFORE, this action is properly removed from The Court of Common Pleas for Allen County, Ohio to the United States District Court for the Northern District of Ohio, Western Division, for all further proceedings.

Respectfully submitted,

/s/ Taylor C. Knight

Taylor C. Knight (0089531)

Brittany H. Asmus (0095142)

REMINER CO., L.P.A.

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Counsel for Defendant

Walmart, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2020, a copy of foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Taylor C. Knight

Taylor C. Knight (0089531)

Brittany H. Asmus (0095142)

Counsel for Defendant Walmart, Inc.

Court of Common Pleas, Allen County, Lima, Ohio  
Courthouse, Lima, Ohio 45801  
FAX (419) 222-8427

**S U M M O N S O N C O M P L A I N T**  
Rule 4 1970 Ohio Rules of Civil Procedure

Case No. CV 2019 0538

HONORABLE JEFFREY L REED

Name	Address	
ALLEN CONLEY	335 GRANDVIEW BOULEVARD ADA, OH 45810	Plaintiff(s)

-VS-

Name	Address	
WALMART INC	C/O CT CORPORATION SYSTEM SA COLUMBUS, OH 43219	Defendant(s)

To the above named defendant(s); (See attached complaint for additional parties)

You are hereby summoned that a complaint (a copy of which is hereto attached and made part hereof) has been filed against you in this court by the plaintiff(s) named herein. Including the following documents:

You are required to serve upon the plaintiff('s') attorney, or upon the plaintiff(s) if he/she/they has/have no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with the court within three days after service on plaintiff('s') attorney.

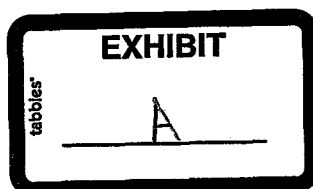
The name and address of the plaintiff('s') attorney is as follows:

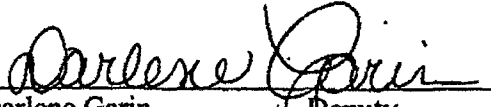
KENNETH J IGNOZZI  
TALBOTT TOWER  
DAYTON, OH 45402

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

MARGIE J MURPHY MILLER  
Allen County Clerk of Courts

Date: December 23, 2019



  
Darlene Garin Deputy

FILED  
COMMON PLEAS COURT  
2019 DEC 19 AM 9:35

MARGIE MURPHY MILLER  
CLERK OF COURTS  
ALLEN COUNTY, OHIO

IN THE COMMON PLEAS COURT OF ALLEN COUNTY, OHIO  
CIVIL DIVISION

ALLEN CONLEY  
335 Grandview Boulevard  
Ada, Ohio 45810

Plaintiff,

vs.

WALMART, INC.  
c/o CT Corporation System, SA  
4400 Eason Commons Way  
Columbus, Ohio 43219

Defendant.

CASE NO.:

JUDGE:

CV2019

0538

REED

COMPLAINT FOR PERSONAL  
INJURY; WITH JURY DEMAND  
ENDORSED HEREON

**FIRST CLAIM FOR RELIEF**

1. Defendant, Walmart, Inc. (hereinafter, referred to as Defendant), operates a corporate-owned Walmart Stores, open to the general public and located at 2400 Harding Highway, Lima, Ohio 45804.

2. On or about January 18, 2018, Plaintiff, Allen Conley, a business invitee at the aforementioned Wal-Mart Stores, was injured as a result of a fall, the proximate cause of which was a dangerous and hazardous condition created by the Defendant and/or known by the Defendant to exist, to wit: a puddle of water on the floor as a result of a leaking roof.

3. Defendant had a duty to operate the store in a reasonably safe manner, to inspect its property in a manner designed to discover dangerous and hazardous conditions, and to provide a warning to the public regarding the existence of dangerous and hazardous conditions of which they knew or should have known.

4. Defendant was negligent in the operation, maintenance and care of the aisles in that they unreasonably and unnecessarily created and/or allowed to exist a dangerous and hazardous condition of which they knew or should have known, to wit: a puddle of water on the floor as a result of a leaking roof, in a main aisle.

5. Defendant was negligent in the operation, maintenance and care of the aisle floor, in that they failed to properly design, construct or erect caution signs or otherwise warn the public generally, and Plaintiff, Allen Conley, specifically, of hazardous conditions of which they knew or should have known to exist to wit: a puddle of water on the floor as a result of a leaking roof.

6. Defendant was negligent in that they failed to conduct any regular inspection of the aisle ways and/or roof, thereby failing to discover and correct/repair the defective condition which presented a hazard to the public generally, and Plaintiff, Allen Conley, specifically, of which they knew or should have known.

7. As the proximate result of the negligence of Defendant, Walmart, Inc., Plaintiff, Allen Conley, sustained injuries and damages as follows:

- a. Severe and permanent injuries including back pain, neck pain, left shoulder pain and right leg pain;
- b. Great pain and suffering both physical and emotional, and loss of ability to perform usual functions and will cause him further pain and suffering and loss of ability to perform usual functions in the future;
- c. Reasonable and necessary medical expenses in an amount in excess of \$29,693.27;
- d. Miscellaneous out of pocket expenses in excess of \$300.00.

8. The aforesaid negligence of Defendant, Walmart, Inc. was the direct and proximate cause of the injuries and damages to Plaintiff, Allen Conley.

**WHEREFORE**, Plaintiff, Allen Conley, demands judgment against the Defendant, Walmart, Inc., in an amount in excess of \$25,000.00 plus interest, attorney fees and cost of this action.

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ



Kenneth J. Ignozzi (0055431)

Attorney for Plaintiff

Dyer, Garofalo, Mann, & Schultz

131 N. Ludlow Street, Suite 1400

Dayton, OH 45402

Tel: (937) 223-8888; Fax: (937) 824-8630

Email: [kignozzi@dgmslaw.com](mailto:kignozzi@dgmslaw.com)

**JURY DEMAND**

Now comes Plaintiff, by and through counsel, and hereby demands a trial by jury on all issues of this matter.

Respectfully submitted,

DYER, GAROFALO, MANN & SCHULTZ



Kenneth J. Ignozzi (0055431)

Attorney for Plaintiff

Dyer, Garofalo, Mann, & Schultz

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